

UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

**DISTRIBUTION OF 2004, 2005, 2006, 2007,
2008, and 2009 Cable Royalty Funds**

**DOCKET NO. 2012-6 CRB CD
2004-09 (Phase II)**

In re

**DISTRIBUTION OF 1999, 2000, 2001, 2002,
2003, 2004, 2005, 2006, 2007, 2008, and 2009
Satellite Royalty Funds**

**DOCKET NO. 2012-7 CRB SD
1999-2009 (Phase II)**

**ORDER GRANTING IPG FOURTH MOTION
FOR MODIFICATION OF MARCH 13, 2015 ORDER**

On September 15, 2016, the Copyright Royalty Judges (Judges) received from Worldwide Subsidy Group LLC dba Independent Producers Group (IPG) its Fourth Motion (Motion) for Modification of March 13, 2015 Order (Claims Order) in the captioned proceeding.¹ No party filed a response to the Motion.

The Claims Order details the categorization, validity, allowance, and disallowance of claims asserted by each remaining participant in this proceeding. One of the findings and conclusions of the Claims Order was disqualification of a claim to satellite royalties for the year 2008 filed by IPG on behalf of Willie Wilson Productions.² IPG filed a Joint Claim for 2008 satellite royalties, but failed to list Willie Wilson Productions on the list of claimants covered by the claim. The Judges' basis for denying the 2008 satellite claim was the absence of a filed claim naming Willie Wilson Productions as a claimant. Although IPG did not list Willie Wilson Productions as an individual claimant on its claims list, IPG did name Willie Wilson Productions as a copyright owner entitled to royalties in the body of its claim. Each filer of a joint claim is required to list at least one exemplar of a program that has been retransmitted by a satellite carrier during the year for which the royalties are at issue.

Recently, on August 30, 2016, the Judges issued an order in another proceeding that dealt with the same issue as that presented by IPG's 2008 satellite claim; that is, a filer that failed to list a represented claimant in the list enumerating claimants, but identifying the claimant in the

¹ In its Motion, IPG altered the caption to refer to the consolidated proceeding as a "remand." This matter is not on remand; rather, the Judges found insufficient evidence upon which to base a determination and chose to reopen the record for further proceedings.

² Elsewhere in the Claims Order, the Judges determined that the evidence did not support characterization of the Willie Williams production, *Singsation!*, as a devotional program.

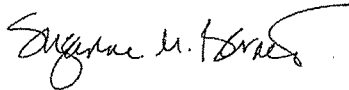
body of the filed claim document by listing a production of that claimant as an exemplar of a retransmitted broadcast. *See Order Regarding Attempted Amendment of 2013 Joint Claim by Intermediary Copyright Royalty Services*, Docket No. 14-CRB-0010 CD (2010-2013) (Aug. 30, 2016) (2016 Order).

IPG styled its Motion as one for “modification” but argued, correctly, that it was seeking reconsideration of the Claims Order, an interlocutory ruling by the Judges. IPG cited a prior ruling by the Judges regarding grounds for reconsideration, *i.e.*, (1) an intervening change in controlling law, (2) new evidence, (3) need to correct a clear error or prevent manifest injustice. *See* Motion at 4, *citing Order Denying IPG Motion for Clarification ...*, Docket no. 2008-2 CRB CD 2000-2003 (Phase II) (May 23, 2013). Relying on the first and third grounds for reconsideration, IPG seeks reinstatement of a claim to 2008 satellite royalties on behalf of Willie Wilson Productions.

Based upon their ruling in the 2016 Order, the Judges find that IPG has met its burden to establish a change in applicable precedent and to highlight a manifest injustice if the claim were not reinstated under the circumstances. Further, no party in interest opposed the relief IPG requested in the Motion.

The Judges, therefore, **GRANT** the Motion and alter the Claims Order to reinstate the claim of Willie Wilson Productions to a (as yet undetermined) portion of the 2008 satellite royalty funds designated for the Program Suppliers category. All other findings and conclusions in the Claims Order remain unchanged.

SO ORDERED.



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Suzanne M. Barnett
Chief Copyright Royalty Judge

DATED: October 27, 2016.

ATTACHED NOTES

AB did...

- ☒ Docketed (all cases)
- ☐ Store on shared drive
- ☐ Distributed to all
- ☒ Emailed
- ☐ Outlook Updated
- ☐ Service List Updated